WAKE COUNTY

IN THE GENERAL COURTS OF JUSTICE SUPERIOR COURT DIVISION 08 CVS

NORTH CAROLINA

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THE NORTH CAROLINA STATE BAR, 4:)36 PETITIONER. COUNTY, CSC	
v.)	CONSENT ORDER OF PRELIMINARY INJUNCTION
BENITA W. GIBBS, ATTORNEY,) RESPONDENT.)	

THIS MATTER came on to be heard and was heard by the undersigned Judge of the Superior Court of Wake County on motion of petitioner, the North Carolina State Bar. Petitioner was represented by Margaret T. Cloutier. Respondent Benita W. Gibbs was not represented by counsel. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- 1. Respondent, Benita W. Gibbs ("Gibbs"), was licensed to practice law in North Carolina on August 24, 1990.
- 2. As of the date of this petition, Gibbs' last known address of record on file with the North Carolina State Bar is 404 Red Barn Way, Apex, North Carolina 27502.
- 3. An allegation has been made to the State Bar that funds held in Gibbs' trust account were mishandled.
 - 4. The State Bar will investigate this allegation.
 - 5. Gibbs desires to cooperate with the State Bar.
- 6. A need for prompt action exists to ensure that entrusted funds are not mishandled.

Based upon the foregoing Findings of Fact, the Court makes the following

CONCLUSIONS OF LAW

- 1. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of Gibbs' trust and operating accounts and to ensure that no entrusted funds are mishandled.
- 2. Gibbs should be enjoined from accepting or receiving any funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited and from directing any employee or agent to withdraw funds from and/or to draw any checks or other instruments against any account in which client or fiduciary funds have been deposited until and unless permitted by subsequent orders of the court.

THEREFORE, IT IS HEREBY ORDERED:

- 1. Benita W. Gibbs is enjoined from accepting or receiving any funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited and from directing any employee or agent to withdraw funds from and/or to draw any checks or other instruments against any account in which client or fiduciary funds have been deposited until and unless permitted by subsequent orders of the court.
 - 2. This Order shall remain in effect until further orders of this Court.

THIS the _____day of _

, 2008.

Superior Court Judge Presiding

WE CONSENT

Benita W. Gibbs

Respondent

Margaret Tl Cloutier

Attorney for Petitioner

I certify that this CONSENT ORDER OF PRELIMINARY INJUCTION it was served on BENITA WALKER GIBBS in person on APRIL 8, 2008

INVESTIGATOR

CERTIFICATE OF ACCEPTANCE OF SERVICE

This is to certify that service of the foregoing Order is hereby accepted and receipt is hereby acknowledged.

This the

day of

9/00 ,2007

BENITA WALKER GIBBS